

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

<b>AARON G. HAUSER</b> <b>D.O.C. # 105642</b>	<b>:</b>	<b>DOCKET NO. 14-cv-2654</b>
<b>VERSUS</b>	<b>:</b>	<b>JUDGE MINALDI</b>
<b>N. BURL CAIN</b>	<b>:</b>	<b>MAGISTRATE JUDGE KAY</b>

**REPORT AND RECOMMENDATION**


Before the court is a Motion to Remand [doc. 18] by N. Burl Cain (“respondent”) in the petition for a writ of habeas corpus filed by Aaron G. Hauser (“petitioner”). The petitioner opposes the motion. Doc. 20. For the reasons stated in the preceding Report and Recommendation [doc. 21], it is recommended that the Motion to Remand be granted and that the case be remanded to the trial court for resentencing.

Pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties have fourteen (14) days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days following the date of its service shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1429–30 (5th Cir. 1996).

In accordance with Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, this court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Unless a Circuit Justice or District Judge issues a certificate of appealability, an appeal may not be taken to the court of appeals. Within fourteen (14) days from service of this Report and Recommendation, the parties may file a memorandum setting forth arguments on whether a certificate of appealability should issue. *See* 28 U.S.C. § 2253(c)(2). A courtesy copy of the memorandum shall be provided to the District Judge at the time of filing.

THUS DONE this 28 July 2016.

  
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KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE